

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2963 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

MOHMED HUSSAINBHAI NAGAR

Versus

DSP & ANR

Appearance:

MR IS SUPEHIA for Petitioners

MR SP HASURKAR for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 28/09/2000

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. Along with the rejoinder to the reply, the petitioner filed two documents, and therefrom prima-facie it appears that the defence taken by the respondents in

the reply may not be correct. In para-9 of the special civil application, the petitioner made reference to case of one Ahmed Hamad Makrani who has been given the pension. Unfortunately, the respondents have not given reply to this para and those averments stand uncontroverted. Be that as it may. Still one more opportunity is given to the respondent No.1 to look into and examine the matter.

3. This petition is disposed of in terms that the respondent No.1 shall take this petition and rejoinder to the reply filed by the petitioner as representation of the petitioner in respect of the claim made for pension and decide the same within a period of one month from the date of receipt of writ of this order more particularly with reference to averments made by the petitioner in para-9 of the special civil application and two documents filed by him along with the rejoinder to reply. In case still the respondent No.1 is of the opinion that the deceased was not entitled for pension and as a result of which the petitioner is not entitled for family pension then a reasoned order may be passed and copy of the same may be sent to the petitioner by registered post A.D.. In case the order goes adverse to the petitioner, liberty is granted to her for revival of this special civil application by filing a simple note. The special civil application and Rule stand disposed of accordingly with no order as to costs.

zgs/-